

2010 MAY 24 PM 4: 24

JEANNE HICKS, CLERK ✓

BY: B. Chamberlain

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8
9 **IN THE SUPERIOR COURT OF STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF YAVAPAI**

11 **STATE OF ARIZONA,**

Cause No. P1300CR20081339

12 **Plaintiff,**

Division 6

13 **v.**

**STATE'S MOTION IN LIMINE TO
PRECLUDE ANY REFERENCE TO THE
ANONYMOUS EMAIL SENT IN JUNE
2008**

14 **STEVEN CARROLL DEMOCKER,**

15 **Defendant.**

(Oral Argument Requested)

16 The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney,
17 and her deputy undersigned, hereby submits its Motion in Limine requesting this Court
18 preclude the defense from introducing the anonymous email addressed to Mr. Sears and Mr.
19 Butner and received by Mr. Sears in late June 2008 pursuant to *Ariz. R. Evid.*, Rule 801 and
20 803.

21
22 Neither the State nor the defense has been able to verify any of the information
23 regarding the author of the email or any of the allegations contained within the email. All we
24 know is the time and the place from which it was sent. Pursuant to *Ariz. R. Evid.*, Rule 801
25 (a) and (c), the content is hearsay, does not fall under any exception allowed by Rule 803,
26 and is not admissible; therefore, it should be precluded.

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RESPECTFULLY SUBMITTED this 24th day of May, 2010.

Sheila Sullivan Polk
YAVAPAI COUNTY ATTORNEY

By: Joseph C. Butner
Deputy County Attorney

COPIES of the foregoing delivered this
24th day of May, 2010 to:

Honorable Thomas J. Lindberg
Division 6
Yavapai County Superior Court
(via email)

John Sears
511 E. Gurley St.
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By: Webb Cornell